

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) respectfully notify the Court of recent authority that bears on Samsung’s pending motion for summary judgment of noninfringement as to the ’117 and ’192 patents. *See* Dkt. No. 187. The Federal Circuit’s December 18, 2024 opinion in *CloudofChange, LLC. v. NCR Corp.* reversed the district court’s infringement judgment because NCR’s customers, not NCR, “use” the accused system, and “NCR is not vicariously liable for that infringing use.” 123 F.4th 1333, 1340-1342 (Fed. Cir. 2024). The Federal Circuit explained that, rather than NCR, NCR’s customers, who operate NCR’s software on their own devices, “put the system into service” and “benefit from the [NCR] back end providing that service.” *Id.* at 1340. Plaintiff argued that NCR received “[a] monthly subscription fee, product improvements through testing and evaluation, product ideas, transaction data, revenues from third-party products and services, marketing rights associated with the merchant’s use, and advertising,” but the Federal Circuit affirmed “these are not the kind of benefits on which *Centillion* focuses.” *Id.* at 1340-1341. The Federal Circuit also found that “[a]s the contractual obligation to supply an Internet connection does not amount to

direction or control of a merchant's use of the claimed system to build POS systems, we hold that NCR is not vicariously liable for that infringing use.” *Id.* at 1342.

Dated: March 13, 2025

Respectfully submitted,

By: /s/ Jonathan B. Bright

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on March 13, 2025. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Jonathan B. Bright

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